

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEVEN MOODY, ET AL.,

Plaintiffs,

v.

BRYAN COLLIER, ET AL.,

Defendants.

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Case No. 6:19-CV-56-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On May 17, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 20), recommending that Plaintiff Steven Moody's Motion for Reconsideration and Class Certification (Docket No. 18) be denied because Plaintiff Moody failed to satisfy the requirements of Federal Rule of Civil Procedure 23 and thus his motion was insufficient to support certification of a class. A return receipt indicating delivery to Plaintiff was received by the Clerk on June 5, 2019 (Docket No. 31).


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings

for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 20) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 20) be **ADOPTED** and that Plaintiff Steven Moody's Motion for Reconsideration and Class Certification (Docket No. 18) is **DENIED**.

So **ORDERED** and **SIGNED** this **8th** day of **August, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE